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10 JUL 2009

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In re Application of :  
Robert Victor Jones : DECISION ON  
US Application No.: 10/598,111 :  
PCT Application No.: PCT/AU2005/00221 :  
Int. Filing Date: 15 February 2005 : PETITION UNDER  
Priority Date: 19 February 2004 :  
Attorney's File Reference: -None- :  
For: Camera System : 37 CFR 1.137 (b)  
:

This is in response to applicant's "Renewed Petition Under 37 C.F.R. 1.137(b)," filed on 16 April 2009.

### **BACKGROUND**

On 10 December 2007, a Decision dismissing applicant's petition under 37 CFR 1.137(b) was mailed. The Decision indicated that petitioner failed to provide the required reply required under 37 CFR 1.137(b). Specifically, petitioner failed to provide a properly executed declaration in compliance with 37 CFR 1.497(d), as the inventorship identified on the declaration does not correspond with the inventorship identified in the international phase of the international application.

On 06 February 2008, applicant filed a renewed petition under 37 CFR 1.137(b) accompanied by a "Statutory Declaration".

On 31 March 2008, a Decision was mailed dismissing the renewed petition on the basis that the requirements under 37 CFR 1.497(d) to correct inventorship have not been complied with and, consequently, the renewed petition failed to include the required reply necessary to revive the instant application.

On 30 September 2008, applicant filed the renewed petition accompanied by a Statement by Added Inventor and an executed declaration under 37 CFR 1.63.

On 26 January 2009, a Decision mailed dismissing the renewed petition on the basis that the requirement under 37 CFR 1.497(d) correct inventorship have not been

complied with and, consequently, the renewed petition failed to include the required reply necessary to revive the instant application.

On 16 April 2009, applicant filed the present renewed petition considered herein accompanied by an executed declaration under 37 CFR 1.63.

### DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

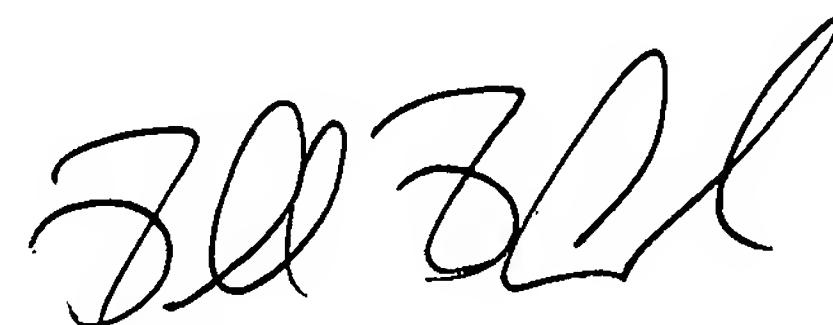
The submission of the oath and declaration satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). An appropriate statement under 37 CFR 1.137(b)(3) has been provided. A terminal disclaimer is not required because the application was filed after 08 June 1995, which satisfies the requirements of 37 CFR 1.137 (b)(4). Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied. The submission of an acceptable declaration also satisfies the requirements of 37 CFR 1.497(d) for correction of inventorship in the application.

### CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) and the request to add Gianni Caldiarera as an inventor are **GRANTED**.

The application has an international filing date of 15 February 2005 under 35 U.S.C. 363 and a date of 16 April 2009 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing in accordance with this decision.

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